

**Mayor's Committee on Integrity and Trust  
in Local Government**

**Town Hall Meeting  
Witte Museum  
January 7, 2002 7:00 P.M.**

**Committee Members Presiding:**

General William V. McBride, U.S.A.F. (Ret) (Chair); Lila Cockrell; Deanna Frisk, Rev. Charles Johnson; and Wayne Alexander.

**Meeting Convened:**

On January 7, 2003 at 7:00 P.M., General William V. McBride, U.S.A.F. (Ret) convened the Town Hall Meeting of the Mayor's Committee on Integrity and Trust in Local Government at the Witte Museum Auditorium. General McBride gave opening comments to the assembly, explaining the work of the Committee and the procedures for the meeting.

General McBride introduced the members of the Committee present. He further explained that the Committee had divided itself into four research teams made up of the following members:

The Ethics Code Review Subcommittee: Members are General William McBride, Auxiliary Bishop Patrick Zurek and Dianne Cortez.

The Discretionary Contracts and Zoning Subcommittee: Members of this group are Dr. Tessa Martinez Pollack, former councilman Bob Ross, Carlos Montemayor and Deanna Frisk.

The Campaign Finance Subcommittee: Members of this group are Dr. Charles Cotrell, Dr. Richard Gambitta, Dr. Morris Stribling and Wayne Alexander.

The Character Education Subcommittee: Members of this group are Dr. Ana "Cha" Guzman, Rev. Kenneth Allen and Rev. Charles Johnson.

General McBride stated that speakers would be called in the order that they had signed up on the sign up sheets and that each speaker would be limited to 5 minutes. He noted that that the Committee would not be able to address or resolve individual complaints or grievances with the City or City personnel.

General McBride stated that after the four public meetings, the Committee would begin its work on its report to Mayor Edward D. Garza setting out its recommendations by January 31, 2003.

## **Speakers**

### **List of Speakers: Attachment 1**

**1) Darlene Clements:** Ms. Clements works with Common Cause Texas. She was surprised the Committee had not contacted members of her organization. This organization supports the regulation of lobbyists, revolving-door legislation, fund raising regulation and the electronic reporting of campaign contributions. She stated that an Ethics Commission has been convened before and nothing happened. She stated that if this Committee was to be anything but window dressing, it needed to take strong measures.

**2) Corinne Sabo:** Ms. Sabo stated that there is a difference between faith and trust. Faith is blind. There is no trust in government at this time. The Ethics Review Board has no subpoena power and no investigator. The one time the Ethics Review Board brought a matter to the City Council, it was slammed down. There is a need to set rules.

### **Speaker Request**

After Ms. Sabo spoke, General McBride stated that there had been a special needs request to allow a speaker to be moved up the list. With no objection from the members of the community in attendance, General McBride called Linda Loomis to speak next.

**3) Linda Loomis:** Ms. Loomis stated that from 1994 to 1999, her husband had been a systems analyst. Ms. Loomis stated that Justice Warren had written a book, "The Judge who Changed America." On page 310, he described an incident that took place after the Constitutional Convention. As Benjamin Franklin emerged from the convention, he was asked whether the country had a monarchy or a republic. Mr. Franklin responded, "A republic, if you can keep it."

Ms. Loomis stated that she has previously worked as a journalist. She has had negative four experiences with city government. During a primary election, it took more than an hour to vote. Then she was given a ballot that did not have the correct names of the candidates. She also attended a public meeting on the PGA issue. Although she was number 20 on the list to speak, she was not called in turn and was not able to testify until after 11:00 P.M. She noted that she has a genetic condition that made it difficult for her to wait so long to speak. Ms. Loomis further stated that during this meeting, one of Councilwoman Bonnie Conner's aide told her that she did not reside in Councilwoman Conner's district. This was incorrect and it further eroded her trust in government.

**4) Marlys Dietrick:** Ms. Dietrick works with Smart Growth – San Antonio. Ms. Dietrick stated that she was a regular citizen and that she had never been invited to join a city commission. She had been involved in the Government Canyon National Historical project and Proposition 3. She had received a copy of an e-mail message that had originated with Councilwoman Bonnie Conner. In the e-mail, Councilwoman Conner had asked for support for the corridor ordinance the next day. Ms. Dietrick wondered

why there was this last-minute appeal for support for an ordinance that had been largely gutted.

Ms. Dietrick had also participated in UDC meetings. The Council passed the UDC ordinance but not the tree ordinance. The UDC is under Jean Dawson, the poster child for developer insider dealing. There have been 68 amendments to the UDC, including one allowing an auto repair business on top of the recharge zone. Bill Kaufman has more access to information than others who are not lobbyists.

**5) Bob Martin:** He is the president of the Homeowner Taxpayer Association. He stated the city government is like a bowl of slippery eels. Regarding the allegations against the councilmen, there are already laws against such things. Hopefully they are innocent, but the courts will do their work regarding the allegations.

Mr. Martin stated that money had been contributed to council members while the PGA matter was pending before the Council, perhaps totaling \$55,000. Information about contributions should be on the Internet in a format that is easy for the public to search. He stated that there is too much money in the system. In the federal election system, there is a limit of \$1000 for each primary and general election. He stated that Councilman Julian Castro had said that a \$2000 limit would be fair. Mr. Martin stated that \$2000 was too high a figure.

Mr. Martin stated that there were proponents for watering down term limits. Voters, though, overwhelmingly approved term limits. If this Committee recommends watering down term limits, it would discredit itself.

**6) Van Archer:** Mr. Archer is a former member of City Council. He is deeply troubled by the allegations. He stated that while he served on Council, he was asked by the FBI to talk about any misconduct he was aware of, but he did not have any direct information.

Mr. Archer said that the money situation is out of hand. For someone with a contract with the City, there should be a limit on campaign contributions. The only person who will give a \$1000 contribution is the candidate's mother or someone who wants something.

Mr. Archer supports leaving term limits in place and stated that salaries for the members of council will never fly. He stated that he does not expect that the status quo will change.

#### **Councilman Carroll W. Schubert welcomed**

After Mr. Archer spoke, General McBride acknowledged Councilman Carroll Schubert as being in attendance at the meeting to observe.

**7) James O. Matthews:** He provided written documents to the Committee members. **Attachment 2.** Packet of documents is attached. Mr. Matthews stated that the Council and the City Manager will not listen. He stated that there should be a permanent Committee in place to screen complaints.

**8) Al Alaniz:** Mr. Alaniz supports term limits. He stated that salary for council members would perhaps help avoid problems. He is concerned about the expenditure of discretionary funds; that he never hears how these funds are spent.

**9) John Courage:** Mr. Courage is with the Citizens for Ethical Government. Mr. Courage read a statement and provided handouts. **Attachment 3.** The goals of the group include the adjustment of term limits and greater financial compensation for council members. He stated that the problem with government is a structural problem and that there needed to be revisions to the City Charter. He supports a ban against awarding city contracts to campaign contributors for a period of two years, known as "pay to play" legislation.

Mr. Courage supports giving subpoena power to the Ethics Review Board and providing for more processes of disclosure.

**10) Marianne Kestenbaum:** She stated that she was concerned about how the PGA matter was handled. She said that young people do not take government seriously and that outcomes are a foregone conclusion. As young people turn 18, they do not have a reason to vote. She is concerned about San Antonio's prospects because we are not growing politically active citizens, voters or high-quality leaders.

The City should endorse and foster community activity programs in connection with school programs to educate children to be politically active. She said that having younger people visit and observe city staff while working might foster a greater awareness of ethics by city staff.

**11) Steve Seidel:** Mr. Seidel is with the Greater San Antonio Chamber of Commerce. He read from Chamber's draft position statement. **Attachment 4.** It states that the Chamber does not believe the Mayor's Committee on Integrity and Trust should not make it more difficult for 1) good, qualified people to run for office; 2) small, minority and women-owned businesses to apply for and receive City contracts and participate in the political process; 3) good, honest professional local firms to apply for and receive City contracts for professional services; or 4) for the general business community to do business with the City.

The Chamber believes there would be support for reasonable limits on campaign contributions and for disclosure of contributors' employers. The Chamber believes there is strong opposition to public financing of campaigns.

The Chamber supports extending term limits, increasing council pay and eliminating the lifetime ban on running for City Council. It also supports additional ethics training for

Council members and a confidential hotline to report ethics violations. The Chamber further believes that there should be more public comment and that the Committee should consider extending its deadline for its report.

**Mayor Edward D. Garza welcomed**

After Mr. Seidel spoke, General McBride advised the audience that if they had something in writing to submit, they could give it to Helen Valkavich of the City Attorney's Office.

General McBride also welcomed Mayor Edward D. Garza who arrived to observe the meeting.

**12) Geert Aerts:** Mr. Aerts is with Clean Money San Antonio. He disagrees with the Chamber of Commerce. He believes that contribution limits should be greater and supports Clean Money or Voter-Owned Elections. Mr. Aerts stated that large contributions create undue influence and undermine public confidence. Clean Money San Antonio supports 1) allowing clean money elections; 2) limiting campaign contributions; 3) full disclosure of campaign contributions and the employers of contributors; 4) an independent Ethics Review Board with the power to subpoena; 5) compensation for council members; 6) four two-year term limits.

**13) Evelyn Bonavita:** Ms. Bonavita is with the League of Women Voters. She presented the League's written Statement to the Commission for Integrity and Trust in Local Government. **Attachment 5.** She stated that the Committee's report should contain far-reaching recommendations on campaign finance, rules on lobbying and ethics. There should be a limit on the total contribution given by any person during an election cycle and a limit on expenditures. There should also be a limitation on the time that contributions can be accepted. Candidates should get space in the media. She supports an independent Ethics Review Board with the authority to investigate. She believes that repeated training should be mandatory. She also believes that lobbyists should be required to receive training on the ethics laws before they can register as lobbyists. She supports easing term limits and supports pay for council because the job is complex.

**14) Martha Mangum:** Ms. Mangum is the Executive Director of the Real Estate Council of San Antonio. She would like the Committee to give ample time for the public to have input before the report goes to the Council, especially concerning development processes. She noted the long process of developing the UDC as an example. She offered her assistance to the Committee.

**15) Jon Thompson:** Mr. Thompson stated that he felt this was an auspicious evening – there were feelings of both optimism and cynicism. He said that he noticed there was consensus on many issues among the individuals and groups speaking this evening. He stated that the current system of campaign finance should be scrapped, that the

Committee should be radical. He said that he was a candidate for Council District 1 and that he supported clean money campaigns. He said he would take a vow that he would not take any contribution over \$250 if three other candidates in the same district race agreed to the same commitment.

He said that term limits should not be changed, that the people had decided the right thing to do. He further stated that he supported pay for council members since the current system guarantees that only people with money can run or have influence. If cities such as Dayton, Ohio and New York City have publicly-financed campaigns, San Antonio should try it as well. Mr. Thompson also stated that there should be a vote regarding PGA.

**16) Patty Elizondo:** Ms. Elizondo was concerned about the manner in which the city handled the matter of the La Gloria Building. La Gloria was part of the cultural fabric of the city. She said that the Zoning Commission lies between the citizens and the council and should advise the council on development. The Zoning Commission rubber stamps what the Council members want. Ms. Elizondo stated that there is a nurse who sits as a Zoning Commissioner who was pressured into speaking out against the preservation of La Gloria. Once the nurse spoke against La Gloria, others followed. Ms. Elizondo stated that the Zoning Commission is corrupt and needs to be reformed. She said that people, including the Historical Commission, fought against the destruction of La Gloria for five months to no avail. There was an abuse of the system and no due process.

The UDC was set up by the Council and is supposed to preserve historic buildings. The appropriate criteria were not followed in this matter. The Mayor referred to the effort to save La Gloria as an eleventh hour appeal. Ms. Elizondo stated that there was little notice to adequately advise interested citizens of the issue.

Ms. Elizondo stated that the Council can fire city staff now and have control over the City Attorney's Office.

**17) Joel Karin:** He is a geophysics engineer. He spoke to council members several times but they never listened. The mayor should have listened to 107,000 citizens, but instead is listening only to a group of handpicked citizens.

**18) Carole Abitz:** Ms. Abitz lives in District 4. On December 19, 2002, she went to the City Council meeting and begged them not to pass a zoning change regarding the Heatherwild Estates development. Previously, the Mayor said that he would kill the resolution. The City Attorney's Office said that the issue was not a slam dunk. The issue was discussed in closed session. The vote was unanimous. Council works for the developers.

They did not follow the state law on open meetings. New rules will not help because the rules are not followed. She said that they should be jailed for the abuse of the public trust. There is an ever hunger desire to make San Antonio a world-class city and so quick deals are made to get things here just for show. The City has done much for the Heatherwild project and one can imagine what it will do to get Toyota. We will see more

quick deals. San Antonio is not Dallas or Houston and San Antonio citizens prefer it that way.

**19) Michael Marchbank:** Mr. Marchbank is the co-chair of the River Road Neighborhood Association. He asked the Committee to take its time, there are a million people in the City with ideas. The Committee should go to all the neighborhood associations. He is concerned about the way the City handles contracts. Even if people are honest, there is a perception problem. He said that there should be more public meetings. He stated that once the Council approves a contract, it goes back to City staff to set the contract's guidelines.

Mr. Marchbank also stated that there is not sufficient notice of public meetings. The meetings are posted close to the deadline and that makes it difficult to offer information and make changes before the meetings take place.

**20) Jack Finger:** Mr. Finger stated that there should have been a Town Hall meeting location further north. He said that 50% of the population of San Antonio lives north of Loop 410, but the Northside was not recognized in selecting Town Hall meeting sites. He said that the Committee should slow down and not take quick action. He encouraged Lila Cockrell to tell Mayor Garza that the Committee needed more time and resources.

Mr. Finger recommended that the Committee speak with a white-collar felon who could advise them on what would and would not work. Mr. Finger does not support contribution limits. The right to freedom of speech allows a person to donate money to good candidates.

**21) Katherine Ortiz:** Greater Kelly Development Authority asset manager. She was disappointed that the proposed sales tax to provide funds to improve the Kelly USA Business Park did not get approved. She used to be a budget analyst for the City. She has lived in San Antonio for the last 13 years and shares the outrage that the community has and its passion for the city. She noted that many people had signed up to speak at this meeting. She stated that when people do something, the question they ask themselves is, "what's in it for me?" Everyone is selfishly motivated and you cannot legislate against human nature. She stated that the voters' priorities are: keeping taxes low because San Antonio citizens do not have a lot of discretionary income; education our children; provide necessary services; make decisions for the public good; and leave the citizens alone.

The citizens' responsibilities were to: care passionately; become educated; be willing to serve; vote; and accept personal responsibility.

**22) Elginio Rodriguez:** Mr. Rodriguez stated that it is sad that it has come to this. If officeholders would uphold their oath, none of this would have happened. He feels cheated and feels that the Committee members are being used. He stated that we have lost trust and the person we have lost trust in appointed the members of the Committee.

Mr. Rodriguez stated that he had tried to warn the Mayor in order to protect the City and the City's water. He stated that he thought the Committee members should resign because they were being used.

**23) Theresa Berlamsa:** Ms. Berlamsa stated that there should be an examination of how the city has developed. She recalled that the Sisters of the Incarnate Word had sold land pertaining to the development of Highway 281. She also stated a concern about the deregulation of banks in Texas. She said that the banking industry should go back to the people and that more regulation would stop dishonesty.

**24) Leonar Gonzalez:** Ms. Gonzalez expressed concern about the issues raised in the Lynell Burkett column in the Express News regarding the influence of lobbyists in city hall. She stated that lobbyists are so entrenched that they are like staff. It is easy for a council member to pick up the phone and get research and information from lobbyists. The Mayor said he trusted lobbyists more than staff.

Ms. Gonzalez is with Smart Growth. Regarding the PGA issue, she stated that environmental specialists and biologists had provided information about why the project would harm the water supply.

If there is not enough staff to conduct research for the city, the city should fix the staff problem and not turn to lobbyists. When a council member is taken to Ruth's Chris Steakhouse, surely the council member will feel that the favor should be returned. There is a history of little favors leading up to bigger ones. It may be legal, but it is not ethical.

**25) Julius Braun:** Mr. Braun stated that the Committee should have five subcommittees. He expressed a general cynicism. After things are reviewed, nothing happens. There is no mention of penalties for ethical lapses. There should be an immediate removal from council upon indictment. Some say there should be due process, but we do not have indictments unless the person is guilty. Mr. Braun further said that any money gained illegally should be forfeited.

Mr. Braun stated that there should be continuity of representation in the districts. If a member of council has lapses, they should no longer represent the district. He also stated that there should also be an examination of the school districts and other entities that spend public money.

**26) Dr. Michael Carabetta:** Dr. Carabetta owns property adjacent to the PGA site. He stated that three of Jean Dawson's private investors obtained property off of Bulverde Road after Dawson tipped them off on the PGA deal. No one in city government was interested in what anyone had to say except for the lies of the engineer. The city has deaf ears.



### **Speaker Order Revision**

General McBride stated he had been informed that a citizen believed she had been skipped over. General McBride advised that he had misplaced a sheet of the speaker's list, but that it had been found. He apologized for calling the speakers out of order and stated that he would resume calling the speakers listed on the misplaced page.

**27) Jerry Morrissey:** Mr. Morrissey has tried to participate in city commissions and wonders what will happen with the Committee's recommendations. In government, the power is with the money. He supports publicly financed campaigns that would give people a level playing field to run. The Chamber of Commerce does not want publicly financed campaigns because they have the power and do not want to change the status quo.

Mr. Morrissey said that the Committee is hearing resistance to term limits because people do not trust elected officials. Once officials are elected, they are beholden to those with money. Regarding Council Committees, there should be no direct or indirect benefit to those on the committees. There should be tough criteria for conflicts of interest for board members. The City staff knows where the power is – they have to work with the interests they are regulating. Mr. Morrissey supports clean money campaigns.

**28) Gerald Ripley:** Mr. Ripley presented a written statement. **Attachment 6.** Mr. Ripley stated that there are a number of qualities relevant to characters: truthfulness, discretion, self-control and responsibility. If there were more people with these qualities, there would be less need for the work of the Committee. San Antonio should become a city of character. Each month, the city and community leaders should promote a specific character trait. The media could cover true-life stories of acts showing good character. Productivity would increase. The Council should have a commission on character that would include people from the military, educators, clergy, and the media.

The Council can study other cities with similar programs such as Indianapolis. This program could be funded through tax-deductible contributions.

**29) AW (Tom) Rohde:** Mr. Rohde is a realtor and has handled around 350 zoning cases in the past. He does not do zoning cases anymore because the system is broke. The Zoning Commission should be citywide and include environmentalists, developers and housewives. The zoning powers should be taken away from the Council because they are not qualified to use the power. Council courtesy is a problem. In the past, there used to be a lively debate at zoning and council meetings. Now, everything seems to be a done deal.

**30) Jody Sherrill:** Mr. Sherrill is a member of the Zoning Commission, but stated that he was not there to represent the Zoning Commission. He also is with the Northwest Neighborhood Alliance. The Alliance supports increasing term limits, but had no specific recommendation on time. He stated that you cannot regulate trust and integrity. Council should be paid so more people can participate. He suggested a campaign expenditure limit of \$30,000 for council seats and \$300,00 for the mayoral position.

Money raised for campaigns should only be used for election efforts. There should be disclosure of contributions within ten days, including the amount, the donor's occupation, and the identity of the donor's employer. The information should be easily accessed.

Discretionary funds are useful tools to help the districts, but there should be disclosure on how these funds are spent.

**31) Diane Lang:** Ms. Lang stated that we should look at the money. She supports paying the council members a decent wage. There also should be better access to information. Council agendas have 170 items, they are not called in the order they appear and are often not clear in describing the items at issue. Ms. Lang is concerned about the replacement of council members that resign before elections are held. Replacements are appointed, not elected.

**32) Allen Townsend:** He is a resident of District 5 and is married to the last speaker, Diane Lang. He stated that it is all about money. The city should be livable. There should be museums and places to stroll. The focus, though, is on money. You do not have to engage in illegal bribery. Campaign contributions, lobbying services and gifts are a legal form of bribery.

He supports "pay to play" legislation that bans contributors from obtaining city contracts. Those who wish to do business with the City can contribute to campaigns in non-monetary ways. It would also solve the problem of having small businessmen shaken down for contributions.

**33) Joe Garcia:** He worked at SBC, which had a Code of Business Conduct. Twenty-four years ago, he attempted to get a stop sign and speed bumps for his neighborhood through a petition drive. The Council rejected the request. Since then, there have been four deaths on that street. The neighborhood finally got its speed bumps and sign.

Mr. Garcia stated that the citizens should have been given the right to vote on the PGA matter and on the Durango Street matter. He asked the Committee to give the public the right to vote.

**34) Art Hall:** Mr. Hall is a candidate for District 8. He grew up putting community leaders on a pedestal and sees holding office as an opportunity to serve the community and to do God's work. He said that not every candidate has the same noble notion. We do not have ideals. Candidates are pre-selected by those with money and people do not vote. Running for office is like a game. Officeholders are public stewards and should be the best of our community.

Mr. Hall supports contribution limits and bans on contributions while contracts are pending before the city. He also supports term limits and pay for council members. He noted that Dallas pays its council members the equivalent of the city's median income and the mayor gets two times that amount. Council pay will not solve corruption, but it would allow more people to run. Publicly financed campaigns would also give more people the opportunity to run and reduce the influence of private donors.

### **Written Comments**

The following written comments were submitted:

#### **Ila Burgardt (Attachment 7):**

Someone once said the reason evil men get away with the evil (or mistrust) is because enough good people allow it (don't do anything about it).

There are a lot of good people that would do a lot. But they don't know what to do. We feel helpless.

Can't we have a committee who could call [on] the public, as many would do whatever, if just asked. They just don't know what to do. How can we help?

#### **Joel Karin (Attachment 8):**

In my opinion, it would be impossible for this ethics committee to be effective when the mayor would listen to a few handpicked people rather than 107,000 citizens.

**Meeting adjourned at 9:45 P.M.**